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UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/876,788	LINYARD ET AL.
Office Action Summary	Examiner	Art Unit
	Philip C. Lee	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 30-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   This action is responsive to the amendment and remarks filed on December 16 2005.

2.   Claims 1-20 and 30-32 are presented for examination and claims 21-29 are canceled.

3.   The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-2, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by

Culliss, U.S. Patent 6,539,377 (hereinafter Culliss).

7.   Culliss was cited in the last office action.

8.   As per claims 1 and 12, Culliss taught the invention as claimed comprising:

        receiving a question from a user of a computer executed application (col. 3, lines 45-56);

        identifying an operational context of the computer executed application (i.e., the viewing

habits of a user of the browser), wherein the operational context is associated with the received

question (col. 3, lines 45-56);

        identifying a category that is associated with the identified context (col. 3, lines 45-56;

col. 4, lines 30-59); and

        searching for at least one answer to the question, wherein the searching is based at least

in part upon the identified category and the received question (col. 5, lines 45-65).

9.   As per claim 2, Culliss taught the invention as claimed in claim 1 above. Culliss further

taught that identifying an operational context comprises one of the following:

        determining which of a plurality of web pages have been visited by the user;

        identifying the time that the user accessed the plurality of web pages;

        determining a format in which the user transmitted the question; or

        determining the hardware environment of the user (col. 3, lines 57-65).

10. As per claim 10, Culliss taught the invention as claimed in claims 1 above. Culliss further taught additionally comprising searching for the answer using at least in part the identified category (col. 6, lines 30-40).

11. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Warthen, U.S. Patent 6,584,464 (hereinafter Warthen).

12. Warthen was cited in the last office action.

13. As per claim 13, Warthen taught the invention as claimed comprising:

a suggestion module adapted to provide a list of questions (fig. 3; col. 4, lines 7-8) and answers (fig. 4; col. 4, lines 19-22) to a user of a computer executed application in response to a request for assistance (col. 3, lines 46-49) with computer executed application (col. 2, lines 48-50), wherein the list of questions and answers is customized based at least in part upon a category that is associated with the user request (col. 3, lines 41-51; col. 6, lines 1-8); and

a statistics module adapted to provide the list of questions, wherein the list of questions includes a selected number of frequently asked questions (col. 5, lines 15-25).

14. Claim 32 is rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al, U.S. Patent 6,675,159 (hereinafter Lin).

15. Lin was cited in the last office action.

16.   As per claim 32, Lin taught the invention as claimed comprising:

receiving a plurality of questions (col. 11, lines 45-52);

determining whether each of the questions has an associated answer located in a

knowledge database (col. 11, lines 45-52);

storing the questions which have no associated answer located in the knowledge database

(col. 11, lines 45-52; col. 12, lines 20-29); and

receiving at least one new answer from an administrative user for each of the questions

stored in the knowledge database which have no associated answer (col. 11, lines 64-col. 12,

lines 29). (Note that since the query is pending while waiting for a response from the engineer,

therefore, it is inherent that the query must be stored in the system. Furthermore, it is clear that

a confirmation (i.e., one new answer) is received from the engineer (i.e., authorized user) for the

query that is pending in the system which have no associated answer (col. 12, lines 20-29)).

Claim Rejections – 35 USC 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of

Manduley et al, U.S. Patent 6,768,790 (hereinafter Manduley).

19.   Manduley was cited in the last office action.

20.   As per claim 3, Culliss taught the invention as claimed in claims 2 above. Culliss did not

teach the determined format as an e-mail message. Manduley taught that the determined format

is one of the following:

> input from a field in a web page, an e-mail message or an electronic chat question (col. 4,
>
> lines 7-41).

21.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Manduley because Manduley's

teaching of determining the format would increase the efficiency of Culliss's system by allowing

received messages to be sorted according to the message format.

22.   Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss

in view of Lin.

23.   As per claim 4, Culliss taught the invention as claimed in claim 1 above. Culliss did not

teach identifying the question as an unanswered question. Lin taught a similar method

comprising:

        determining whether a selected one of the at least one answer is associated with the

identified context and the received question (col. 11, lines 45-63); and

        identifying the question as an unanswered question when no answer is associated with the

identified context and the received question (col. 11, lines 64-65).

24.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Lin because Lin's teaching of

identifying an unanswered question would increase the system alertness in Culliss's system by

providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

25.   As per claim 5, Culliss and Lin taught the invention substantially as claimed in claim 4

above. Culliss further taught that determining whether any answer is associated with the

identified context and the received question comprises determining whether a confidence

threshold is exceeded (col. 5, lines 5-7).

26.   As per claim 6, Culliss and Lin taught the invention substantially as claimed in claim 4

above. Lin further taught additionally comprising associating an answer with the unanswered

question (col. 11, lines 64-col. 12, lines 10).

27.	As per claim 9, Culliss and Lin taught the invention substantially as claimed in claims 4

above. Lin further taught additionally comprising generating an e-mail containing the answer to

the question (col. 21, lines 31-39).

28.	Claims 11, 16 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Culliss in view of Warthen.

29.	As per claim 11, Culliss taught the invention as claimed in claim 10 above. Culliss did

not teach user definable description. Warthen taught that the identified category is a user

definable description (col. 4, lines 55-56).

30.	It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of user definable description would increase the flexibility of the user in Culliss's

system by allowing a user to define criteria for matching the context of the question to an

answer.

31.	As per claim 16, Culliss taught the invention substantially as claimed in claim 12 above.

Culliss did not teach providing a list of questions. Warthen taught a similar system adapted to

provide a list of questions (col. 5, lines 15-25).

32.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

33.   As per claim 30, Culliss taught the invention as claimed comprising:

       identifying a context of a computer executed application that is associated with a user

(col. 3, lines 45-65); and

       determining which of a plurality of categories is associated with the identified context of

       the computer executed application (col. 3,lines 45-56; col. 4, lines 30-59).

34.   Culliss did not teach identifying and displaying a plurality of most frequently asked

questions. Warthen taught a similar invention comprising:

       identifying a plurality of most frequently asked questions that are associated with the

       determined category (col. 3, lines 41-51; col. 6, lines 1-8); and

       displaying the most frequently asked questions to the user (col. 5, lines 15-25).

35.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

36.   As per claim 31, Culliss taught the invention as claimed comprising:

determining a category that is associated with a user question, wherein the determined

category is based at least in part upon which web page of a plurality of web pages the

user has most recently accessed (col. 3, lines 13-56; col. 5, lines 21-25);

37.   Culliss did not teach identifying and displaying a plurality of most frequently asked

questions. Warthen taught a similar invention comprising:

identifying a plurality of most frequently asked questions that are associated with the

determined category (col. 3, lines 41-51; col. 6, lines 1-8); and

displaying the most frequently asked questions to the user (col. 5, lines 15-25).

38.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's system by

accounting for the user selection of the provided list of questions to further narrow the search to

provide relevant results to the user.

39.   Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warthen in

view of Lin.

40.   As per claim 14, Warthen taught the invention as claimed in claim 13 above. Warthen

did not teach associating answers with the unanswered questions. Lin taught that the statistics

module identifies unanswered questions and additionally comprising an authoring module

adapted to associate answers with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

41.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Warthen and Lin because Lin's teaching of

identifying an unanswered question would increase the efficiency of Warthen's system by

providing answer to an unanswered question without human interaction.

42.   As per claim 15, Warthen and Lin taught the invention substantially as claimed in claim

14 above. Lin further taught that the authoring module associates answers with the unanswered

questions automatically (col. 12, lines 6-10).

43.   Claims 7-8, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Culliss and Lin in view of Warthen.

44.   As per claim 7, Culliss and Lin taught the invention substantially as claimed in claims 6

above. Culliss and Lin did teach generating a web page containing the answer. Warthen taught

that associating an answer comprises generating a web page containing the answer to the

question (col. 4, lines 19-25).

45.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's

teaching of generating a web page containing answer would increase the field of use in their

system by allowing the answer to be presented on a software browser.

46.   As per claim 8, Culliss, Lin and Warthen taught the invention substantially as claimed in

claim 7 above. Culliss further taught additionally comprising providing the associated answer in

response to receiving a question from a second user, wherein the associated answer is

immediately available to the second user subsequent to the answer being associated with the

question (col. 5, lines 22-52).

47.   As per claim 19, Culliss taught the invention as claimed for providing user assistance,

comprising:

        a question module adapted to receive at least one question from a user of a computer

        executed application (col. 3, lines 45-56);

        a context module adapted to identify at least one category that is associated with the

        context of the computer executed application in which the question was received (col. 3,

        lines 45-56; col. 4, lines 30-59); and

        a knowledge module adapted to identify an answer to a received question, wherein the

        answer is derived using at least in part the identified category (col. 5, lines 45-52).

48.   Culliss did not teach associating an answer with the unanswered questions. Lin taught a

similar invention comprising:

>   an authoring module adapted to identify unanswered questions and adapted to associate
>
>   an answer with the unanswered questions (col. 11, lines 64-col. 12, lines 10).

49.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss and Lin because Lin's teaching of

identifying an unanswered question would increase the system alertness in Culliss's system by

providing a notification of an unanswered question to an administrator (col. 12, lines 20-29).

50.   Culliss and Lin did not teach providing a list of questions and answers associated with the

identified category. Warthen taught a similar invention comprising:

>   a statistics module adapted to provide a list of questions and answers that are associated
>
>   with the identified category (col. 3, lines 41-51; col. 6, lines 1-8); and
>
>   a suggestion module adapted to provide the list of questions and answers to the user in
>
>   response to a request for assistance (col. 3, lines 41-51; col. 6, lines 1-8).

51.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Lin and Warthen because Warthen's

teaching of providing a list of questions would increase the accuracy of Culliss's and Lin's

systems by accounting for the user selection of the provided list of questions to further narrow

the search to provide relevant results to the user.

52.   As per claim 20, Culliss, Lin and Warthen taught the invention substantially as claimed in

claim 19 above. Lin further taught that the authoring module associates answers with the

unanswered questions automatically (col. 12, lines 6-10).

53.   Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss and

Warthen in view of Warner, U.S. Patent 6,665,655 (hereinafter Warner).

54.   Warner was cited in the last office action.

55.   As per claims 17-18, Culliss and Warthen taught the invention substantially as claimed in

claim 16 above. Culliss and Warthen did not teach arranging the questions in an order. Warner

taught that the statistics module arranges the questions in a most frequently asked order or a least

frequently asked order (col. 7, lines 15-col. 8, lines 40; col. 9, lines 37-40).

56.   It would have been obvious to one having ordinary skill in the art at the time of the

invention was made to combine the teachings of Culliss, Warthen and Warner because Warner's

teaching of arranging the questions in order would increase the user flexibility of Culliss's and

Warthen's systems by allowing the results to be presented according to the user's interest.

57.   Applicant's arguments with respect to claims 1-20 and 30-32, filed 12/16/05, have been

fully considered but are not deemed to be persuasive.

58.   In the remark applicant argued that

>   (1)   Culliss does not teach identifying an operational context of a computer
>
>   executed application.
>
>   (2)   Warthen fails to teach providing a list of questions and answers in
>
>   response to a request for assistance with a computer executed application.
>
>   (3)   Lin does not teach that question without answers are stored in the
>
>   knowledge database.
>
>   (4)   Lin does not teach that an administrator provides an answer to an
>
>   unanswered questions.

59.   In response to point (1), Culliss taught identifying an operational context of a computer

executed application. As claimed in claim 2, identifying an operational context comprises

determining which of a plurality of web pages have been visited by the user. Culliss taught

articles or URLs (i.e., web pages) can be detected in a users browsing habits (col. 3, lines 45-56).

This means that browsing habits (i.e., operational context) of a user can be identified. It is

inherent that the browsing of web pages by a user must use a web browser which is the computer

executed application as claimed in claim 1.

Accordingly, Culliss taught identifying the browsing habits of a user of the web browser (i.e.,

identifying the operational context of the computer executed application).

60.   In response to point (2), Warthen taught providing a list of template questions (fig. 3; col.

4, lines 7-8) and answers (fig. 4; col. 4, lines 19-22) in response to a question (col. 3, lines 46-49)

with a web browser (i.e., computer executed application) (col. 2, lines 48-50).

61.   In response to point (3), applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

storing questions in a database) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Specifically,

claim 32 recites storing the questions which have no associated answer located in the knowledge

database. At most, this amount to storing the questions if the knowledge database has no

associated answer to the question. It is inherent in Lin's teaching that the unanswered queries

must be stored in some type of memory when the system fails to answer. The storing of the

query is inherent while the process of searching is being perform. It is inherent the query must be

stored in order for the system to map document (i.e. answers) to the original query (i.e.

unanswered query) when the document is found (col. 11, lines 45-52). Furthermore, when an

unanswered query is pending while waiting for a response from the engineer, it is inherent that

the query must be stored in the memory of the system (col. 12, lines 20-29).

62.   In response to point (4), Lin taught an engineer (i.e. administrator) provides a

confirmation (i.e. an answer) to an unanswered query (col. 12, lines 20-29). This means that the

engineer's confirmation is the answer to the unanswered question.

CONCLUSION

63.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action. Any inquiry concerning this communication or

earlier communications from the examiner should be directed to Philip C Lee whose telephone

number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM

Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The

fax phone number for the organization where this application or proceeding is assigned is 571-

273-8300. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
P.L.   TECHNOLOGY CENTER 2100